

### **REMARKS/ARGUMENTS**

This Amendment is submitted in response to the first Official Action of September 20, 2004. Reconsideration and allowance in view of the amendments made herein and these accompanying remarks are respectfully requested.

The Official Action requests that applicant's attorney confirm the provisional election made by telephone on September 15, 2004. Applicant's attorney hereby confirms elections of the invention of Group I readable on claims 1-13. This election is made without traverse.

Claims 1-13 have been rejected under 35 U.S.C. §112, second paragraph, in that in Claim 1, at line 10, there was no antecedent basis for "the compaction plate". The present amendment cures that defect.

Claim 8 has been amended to now depend from claim 6 and claim 11 has been amended to depend from claim 7, thus curing the objections based upon missing antecedence.

Concerning the rejection on the merits, claims 1-3 and 12 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,130,054 to Tashman. This rejection is respectfully traversed.

While the Tashman '054 patent teaches a refuse compactor in which the compaction plate moves from an inclined disposition at the top of the compaction stroke to a horizontal disposition during the compaction stroke, claim 1 has been amended to include as a further limitation an extendable and retractable locking pin device carried by the platen and adapted to be selectively operatively coupled to and uncoupled from the support member for locking the platen in its horizontal position during the downward movement of the platen and releasing the platen during the upward movement. No such locking pin device is disclosed or suggested by the Tashman '054 patent. It uses an altogether different mechanism for preventing tilting of the compaction plate during a downward compaction stroke. Specifically, it utilizes a cam 110 and a cam follower wheel 113 in a manner explained at column 6, at lines 51-68.

Serial No. 10/666,110  
Amendment Dated December 14, 2004  
Reply to Office Action of September 20, 2004

Given the differences between the locking pin device as now recited in element (e) of independent claim 1 and the mechanism employed in the Tashman '054 patent, claim 1 can no longer be held to be anticipated by the Tashman '054 patent. In that claims 2 and 4-13 no depend either directly or indirectly from independent claim 1, all of the claims are no believed to be in condition for allowance and a Notice to that effect is respectfully solicited.

Respectfully submitted,

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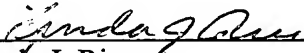
Serial No. 10/666,110  
Amendment Dated December 14, 2004  
Reply to Office Action of September 20, 2004



### CERTIFICATE OF MAILING

I hereby certify that the foregoing is filed in response to the Official Action of September 20, 2004, in application Serial No. 10/666,110, filed on September 18, 2003, of Anthony Fox entitled "Automatic Waste Compactor" is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, postage prepaid, on December 14, 2004.

Date of Signature: December 14, 2004.

  
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